

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013080674

ORDER GRANTING JOINT FIRST  
REQUEST FOR CONTINUANCE AND  
SETTING MEDIATION PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING

On September 19, 2013, the parties filed a joint request to continue the dates in this matter. This is their first request for continuance. Student filed the due process hearing request on August 19, 2013. The Office of Administrative Hearings scheduled the due process hearing request for October 10, 2013. The parties asked for a short, one month continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. The continuance is effective the date of this Order. This matter will be set as follows:

Mediation: October 15, 2013, 10 a.m.

Prehearing Conference: November 4, 2013, 1 p.m.

Due Process Hearing: November 12, 13, 14, 20 & 21, 2013, 9:30 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: September 19, 2013

/s/  
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EILEEN COHN  
Administrative Law Judge  
Office of Administrative Hearings